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Attorney for Thomas Dillon, as Court-Appointed  
Receiver for Vesta Strategies, LLC  
and Excalibur 1031 Group, LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

THOMAS DILLON, as Court-Appointed  
Receiver for Vesta Strategies, LLC

Plaintiff,

vs.

MURPHY & HOURIHANE, an Illinois LLC

Defendant

**Case No.: 5:14-cv-1908-BLF**

**STIPULATED BRIEFING SCHEDULE ON  
MOTION TO APPROVE SETTLEMENT  
WITH MURPHY & HOURIHANE, LLC ;  
~~PROPOSED ORDER~~**

**STIPULATED BRIEFING SCHEDULE**

The parties have settled the case pursuant to a confidential settlement agreement, subject to approval by the court. A hearing to approve the settlement is currently set for June 30, 2016 at 9 AM in Court Room 3 on the 5<sup>th</sup> Floor of the court house.

Thomas A. Dillon ("Dillon"), as the Receiver for Vesta Strategies, LLC ("Vesta") filed his Motion and Memorandum to Approve the Settlement (Dkt.72-1) along with his

1 Declaration in Support (Dkt.72-2). The confidential Settlement Agreement was  
2 submitted to the Court for in camera inspection on May 9, 2016.

3 Dillon's counsel transmitted a copy of the Motion (Dkt 72), his Memorandum  
4 (Dkt.72-1) and Dillon's Declaration (Dkt.72-2), along with a copy of the Court's Orders  
5 directing that the Settlement Agreement remain confidential (Dkts.70 and 71) to all  
6 known exchangers with unfunded exchanges, except Christina Pappas who is  
7 deceased, and to potential subrogees. As to those exchangers and subrogees who  
8 agreed to be bound to the Order of Confidentiality, Dillon's counsel then transmitted to  
9 them a copy of the confidential Settlement Agreement.

10 The parties hereby stipulate that any Opposition to the Motion to Approve the  
11 Settlement shall be filed by June 10, 2016 and any reply to any Opposition to the  
12 Motion to Approve the Settlement Agreement shall be filed by June 24, 2016. The  
13 hearing on the Motion shall be on June 30, 2016 at 9 AM as previously ordered.  
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18 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**  
19

20 DATED: May 27, 2016

\_\_\_\_\_/s//\_\_\_\_\_  
21

22 Robert L. Brace  
23 Attorney for Plaintiff

24 GORDON & REES, LLP

25 DATED: May 27, 2016

\_\_\_\_\_/s//\_\_\_\_\_  
26

27 Craig J. Mariam  
28 Attorneys for Defendant

**ORDER ON STIPULATION OF BRIEFING SCHEDULE**

Any Opposition to the Motion to Approve the Settlement between Thomas A. Dillon, as the Receiver for Vesta and Murphy & Hourihane, LLC shall be filed by June 10, 2016 and any reply to any Opposition to the Motion to Approve the Settlement shall be filed by June 24, 2016. The hearing on the Motion to Approve the Settlement shall be on June 30, 2016 at 9 AM in the above entitled court located at 280 South 1<sup>st</sup> Street, San Jose, California in Courtroom 3 on the 5<sup>th</sup> Floor.

DATED: June 3, 2016



United States District Judge  
Honorable Beth Labson Freeman